

1 David N. Kuhn (SBN 73389)
dnkuhn@pacbell.net
2 LAW OFFICES OF DAVID N. KUHN
144 Hagar Avenue
3 Piedmont, California 94611
Telephone: (510) 653-4983

4 Attorney for Plaintiff
5 GREGORY BENDER

6 Denise M. De Mory (SBN 168076)
demoryd@howrey.com
7 HOWREY LLP
525 Market Street, Suite 3600
8 San Francisco, California 94105
Telephone: (415) 848-4900
9 Facsimile: (415) 848-4999

10 Attorneys for Defendants
NXP SEMICONDUCTORS USA, INC.

Andrew P. Valentine (SBN 162094)
andrew.valentine@dlapiper.com
Marc C. Belloli (SBN 244290)
marc.belloli@dlapiper.com
DLA PIPER USA LLP
2000 University Avenue
East Palo Alto, California 94303
Telephone: (650) 833-2254
Facsimile: (650) 833-2001

Attorneys for Defendant
SILICON LABORATORIES, INC.

Daniel R. Foster (SBN 179753)
dfoster@mwe.com
MCDERMOTT WILL & EMERY
18191 Von Karman Avenue, Suite 500
Irvine, California 92612-7108
Telephone: (949) 851-0613
Facsimile: (949) 851-9848

Attorneys for Defendant
INFINEON TECHNOLOGIES NORTH
AMERICA CORP.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 GREGORY BENDER,
18 Plaintiff,
19 vs.
20 INFINEON TECHNOLOGIES NORTH
AMERICA CORP., a Delaware corporation, et
al.,
22 Defendants.

23 AND RELATED COUNTERCLAIMS.

Case No. 5:09-cv-2112 JW
JOINT STIPULATION AND [PROPOSED] ORDER RE CONTINUING INITIAL CASE MANAGEMENT CONFERENCE TO JANUARY 11, 2010 AND EXTENDING TIME TO ANSWER OR OTHERWISE RESPOND TO THE COMPLAINT

Judge: Hon. James Ware

Date: November 9, 2009

Time: 9:00 a.m.

Place: Courtroom 8, 4th Floor

Complaint Filed: May 14, 2009

25
26 Pursuant to Civil L.R. 6-2 and 7-12, Plaintiff Gregory Bender ("Plaintiff") and defendants
27 Infineon Technologies North America Corp., Silicon Laboratories Inc., and NXP Semiconductors
28 USA, Inc. (collectively "Defendants") hereby stipulate and request an Order to change the date set for

1 the Court's Initial Case Management Conference in this action from November 9, 2009 (Dkt. No. 8) to
 2 January 11, 2010 or as soon thereafter as this matter can be heard.

3 Good cause exists for this request. The responsive pleadings for Silicon Laboratories and
 4 Infineon are not yet due, and the parties have reached an agreement to delay responsive pleadings,
 5 discovery, and disclosure obligations pending the outcome of dispositive and discovery motions in
 6 other pending related cases. In particular, there are several related cases pending on the same patent in
 7 which the defendants in those cases have challenged the complaint and/or Plaintiff's Patent Local Rule
 8 3-1 Disclosure of Asserted Claims and Infringement Contentions. Several rulings have recently been
 9 issued in the related cases in particular relating to the sufficiency of Plaintiff's allegations in these
 10 cases. In particular, in response to a Motion to Dismiss in *Gregory Bender v. Broadcom Corp.*, Case
 11 No. 3:09-cv-1147-MPH, Judge Patel delayed the responsive pleading deadline until infringement
 12 contentions were served. In *Gregory Bender v. Intersil Corporation*, Case No. 3:09-cv-1155-CW (BZ),
 13 Judge Zimmerman issued an order staying discovery and the patent local rule requirements pending the
 14 receipt of adequate infringement contentions. (See Exhibit 1). In *Gregory Bender v. Freescale
 15 Semiconductor, Inc.*, Judge James stayed discovery pending consideration of the sufficiency of the
 16 infringement contentions. (See Exhibit 2). In view of these rulings, the parties agree and stipulate as
 17 follows:

18 1. The Case Management Conference shall be delayed until January 11, 2010 or as soon
 19 thereafter as this matter can be heard, and the Rule 26 Conference and disclosures shall occur in
 20 accordance with the new initial Case Management Conference date;

21 2. Defendants shall answer, plead or otherwise respond to the Complaint no later than 14
 22 days after adequate infringement contentions are served; and

23 3. Defendants will have no discovery requirements until Plaintiff serves adequate infringement
 24 contentions.

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28 //

1 4. The parties shall meet and confer and submit a proposed scheduling order in accordance
2 with this order in advance of the new Case Management Conference.

3 IT IS SO AGREED.

4 Dated: November 2, 2009

LAW OFFICES OF DAVID N. KUHN

9 Dated: November 2, 2009

HOWREY LLP

11 By: /s/ David N. Kuhn

7 David N. Kuhn
8 Attorneys for Plaintiff
9 GREGORY BENDER

14 Dated: November 2, 2009

DLA PIPER US LLP

16 By: /s/ Denise M. De Mory

12 Denise M. De Mory
13 Attorneys for Defendant
14 NXP SEMICONDUCTORS USA, INC.

19 Dated: November 2, 2009

McDERMOTT WILL & EMERY

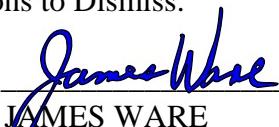
21 By: /s/ Marc C. Belloli

17 Marc C. Belloli
18 Attorneys for Defendant
19 SILICON LABORATORIES, INC.

24 *** ORDER ***

25 The Court finds good cause to continue the Case Management Conference currently set for
26 November 9, 2009. However, because the parties failed to provide concrete deadlines for anticipated
27 Motions to Dismiss as with the other cases, the Court finds that only a brief continuance is warranted at
28 this time. Accordingly, the parties shall appear on **December 14, 2009 at 10 a.m.** for a Case
Management Conference. On or before **December 4, 2009**, the parties shall file a Joint Case
Management Statement. The Statement shall include, among other things, the parties' proposed
schedule for briefing as to the anticipated Motions to Dismiss.

Dated: November 3, 2009


JAMES WARE
United States District Judge